



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**June 16, 2004**

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**SUBJECT:**           **2004-0398** – Application on a 5,658 square foot site located at **1041 Burntwood Avenue** in an R-0 (Low-Density Residential) Zoning District. (APN:104-20-052)

Motion               Variance from SMC (Sunnyvale Municipal Code) Section 19.40.030 to allow an attached side-yard shed exceeding 20% of the length of the main house.

**REPORT IN BRIEF**

**Existing Site**           Single-Family House

**Conditions**

**Surrounding Land Uses**

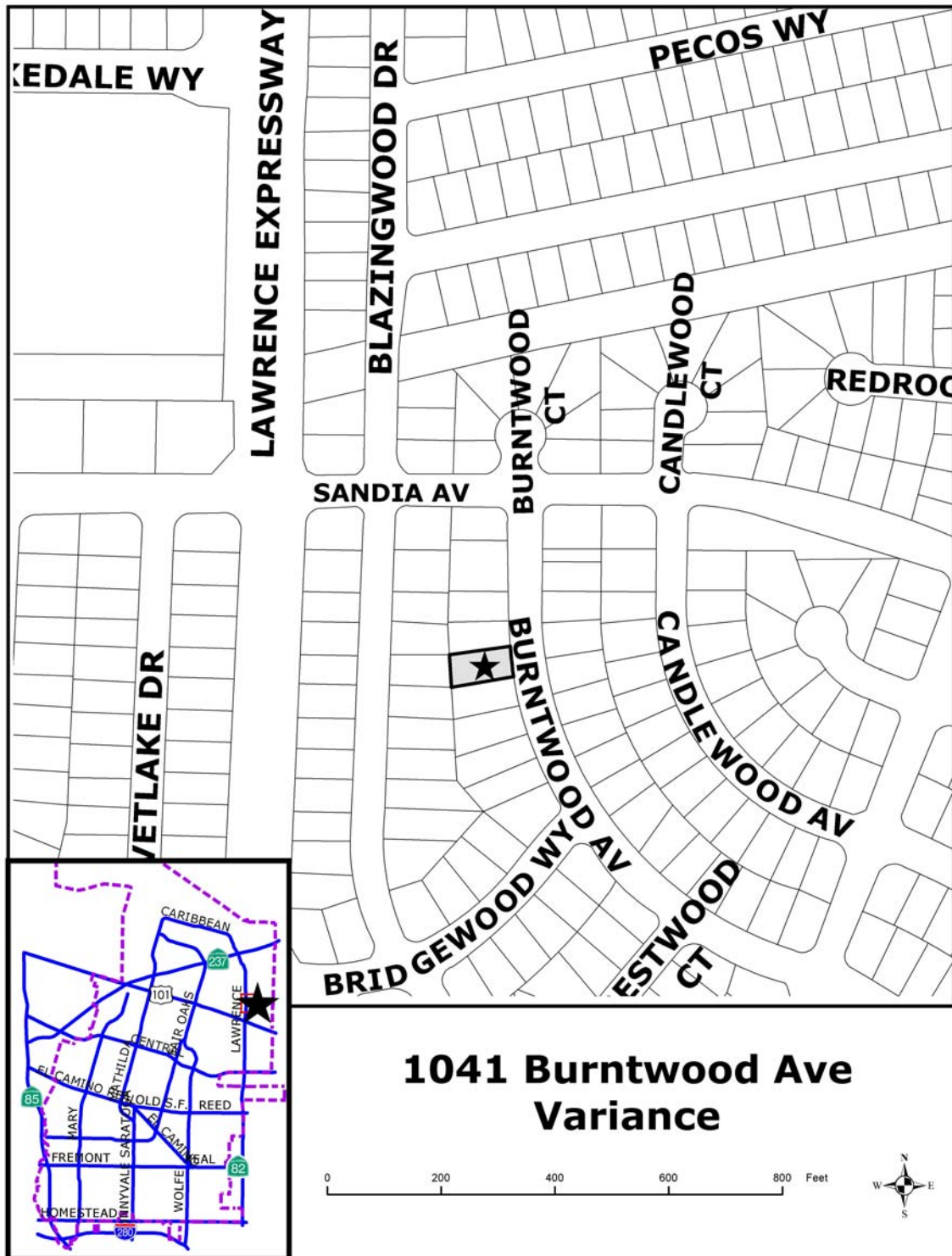
North	Single-Family Residential
South	Single-Family Residential
East	Single-Family Residential
West	Single-Family Residential

**Issues**               Necessary Findings

**Environmental Status**       A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff**               Denial

**Recommendation**



**PROJECT DATA TABLE**

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>REQUIRED/ PERMITTED</u></b>
<b>General Plan</b>	Low Density Residential	Same	Low Density Residential
<b>Zoning District</b>	R-0	Same	R-0
<b>Lot Size (s.f.)</b>	5,658	Same	6,000 min.
<b>Gross Floor Area (s.f.)</b>	1,100	88 sq. ft. shed 1,188 sq. ft. total	No max.
<b>Lot Coverage (%)</b>	20%	21%	40% max.
<b>Floor Area Ratio (FAR)</b>	20%	21%	45% max. without PC review
<b>No. of Buildings On-Site</b>	1	Same	1
<b>Setbacks of proposed Shed (facing prop.)</b>			
• <b>Front</b>	30 ft.	Same	20 ft. min.
• <b>Left Side</b>	N/A	N/A	N/A
• <b>Right Side</b>	6 ft.	2 ft.	2 ft. min. if less than 20% of length of house
• <b>Rear</b>	Approx. 20 ft.	Same	20 ft. min.

**ANALYSIS****Background**

**Previous Actions on the Site:** There are no previous planning actions for the subject site. This property falls within the Neighborhood Enhancement Program organized by the Neighborhood Preservation Division. This property was cited as having an unpermitted roof extension. The shed under consideration has already been built.

**Description of Proposed Project**

The proposed shed is a 4 ft. wide roof extension which extends up to 2 ft. away from the right property line. The Sunnyvale Municipal Code allows accessory structures that are attached to the house to extend up to 3 ft. from the side property line provided that the length of the shed does not exceed 20% of the

length of the wall of the principal structure to which it is attached and all other development standards are met (SMC 19.40.030(a)). The structure is approximately 22 ft. long and 50% of the length of the house wall. A Variance is required to permit this length of shed. The 3 ft. setback from the side property line is a Building Code requirement, and if this Variance is granted from the shed length requirement, the shed wall will need to be moved one foot to meet the 3 ft. minimum setback.

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

### **Variance**

**Use:** The proposed shed serves as storage for garbage containers and other yard equipment.

**Site Layout:** The property is approximately 5,600 sq. ft. and is a typical size and shape for the neighborhood. The house is set back 6 ft. from the right side property line. The 88 sq. ft. shed is approximately 22 ft. long and attached to a house wall of 47 ft. If this shed were to be reduced in size to conform with the Sunnyvale Municipal Code and Building Code, it would allow a 9 ft.-long storage structure 3 ft. wide, which would bring the total shed area to 27 sq. ft.

**Architecture:** The structure is wood with approximately 2.5 ft. of lattice on top of a 4 ft. high wooden wall. The roof is made up of wood 2 x 4s supporting a corrugated plastic roof. The entrance to the structure is next to the house wall.

**Easements/Undergrounding:** There is a 2 ft. public utilities easement along the right property line. The proposed structure does not intrude into the easement.

### **Compliance with Development Standards**

The project does not comply with the standards for attached side yard sheds. In order to allow this Variance, three Findings must be made (Attachment 1). Staff was not able to make the Findings, and recommends denial of the Variance.

**Expected Impact on the Surroundings**

The proposed shed has a small visual impact on the neighbor to the right of the property and from Burntwood Drive.

**Findings, General Plan Goals and Conditions of Approval**

Staff is recommending denial for this project because the Findings (Attachment 1) were not made. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the Conditions of Approval (Attachment 2).

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

**Fiscal Impact**

No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 11 notices were mailed to the adjacent property owners and residents of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

**Alternatives**

1. Deny the Variance.
2. Approve the Variance with the recommended conditions.
3. Approve the Variance with modified conditions.

**Recommendation**

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Alternative 1.

Prepared by:

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Diana O'Dell  
Project Planner

Reviewed by:

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Fred Bell  
Principal Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site Plan and Photos

**Recommended Findings - Variance**

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1. *Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district.(Finding Not Made)*

The lot size, width and shape is typical for the neighborhood. There is nothing unusual in the topography or surroundings that can be considered an unusual circumstance. There are many similar structures in the neighborhood that have been built without permits. As part of the Neighborhood Enhancement Program, the Neighborhood Preservation Division is working with all the properties in the study area to bring them into compliance with the Sunnyvale Municipal Code requirements.

2. *The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.*

The granting of the Variance will not be materially detrimental the public welfare, as the length of the shed is dependent on the length of the house wall.

3. *Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. (Finding Not Made)*

The purpose of the ordinance is to allow storage structures along the side of the property that are proportional to the size of the house. The proposed structure is 50% of the length of the house wall. This is not in keeping with the intent of the ordinance and staff cannot make this finding.

**Recommended Conditions of Approval - Variance**

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Staff recommends denial of the Variance. However, if the Hearing Officer is able to make the required findings, staff is recommending the following Conditions of Approval.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. The two-year expiration date of the Variance shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
2. The Variance shall be valid only in conjunction with detailed plans as submitted or as may be modified by the reviewing authority of the City during a public hearing. Minor changes of the approved plans may be approved administratively by the Director of Community Development. This approval is for a Variance to allow a 22 ft.-long shed along a 47 ft. long house.
3. The materials of the shed shall be upgraded to contain wood and standard roofing materials. Corrugated plastic is not permitted.
4. The applicant shall obtain a building permit.